

ORIGINAL

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BY ORDER OF THE COURT

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 05 2019

at 3 o'clock and 36 min. P.M.
SUE BEITIA, CLERK

Attorneys for United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAG. NO. 19-00122-RLP
)	
Plaintiff,)	CRIMINAL COMPLAINT;
)	AGENT'S AFFIDAVIT
vs.)	
)	
JOSHUA SMITH,)	
)	
Defendant.)	
)	
)	

CRIMINAL COMPLAINT

I, the undersigned complainant being duly sworn, state the following is true

and correct to the best of my knowledge and belief:

COUNT 1

On or about January 11, 2019, in the District of Hawaii, JOSHUA SMITH, the defendant, did by force, violence, and intimidation, take from the person and presence of another, money belonging to, and in the care, custody, control, management, and possession of First Hawaiian Bank, located at 1348 Hunakai Street, Honolulu, Hawaii, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation.

All in violation of Title 18, United States Code, Section 2113(a).

I further state that I am a Special Agent with the Federal Bureau of Investigation ("FBI") and that this complaint is based on the following affidavit which is attached hereto and incorporated herein by reference.

DATED: Honolulu, Hawaii: February 5, 2019.



ANDREW MASTERS
FBI Special Agent

Subscribed to and sworn before me
on February 5, 2019 at Honolulu, Hawaii,



RICHARD L. PUGLISI
United States Magistrate Judge



AGENT'S AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Andrew Masters, being duly sworn, depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am currently employed as a Special Agent for the Federal Bureau of Investigation and have been so employed since 2011. Prior to this, I was employed by the Richardson, Texas Police Department as a Police Officer and Detective from 1998 to 2006 and by the Dallas County District Attorney's Office as an Investigator from 2006 to 2011.

2. In my twenty years of law enforcement experience, I have conducted numerous investigations of violent crime including assaults, homicides, kidnappings, and bank robberies.

3. The facts in this affidavit come from my personal observations and knowledge, my training and experience, information provided to me by other law enforcement personnel, public records, and witnesses. This affidavit is intended to show merely that sufficient probable cause exists for the criminal complaint and does not set forth all of my knowledge about this matter.

4. This Affidavit is made in support of a criminal complaint and arrest warrant for JOSHUA SMITH for the crime of Bank Robbery, a violation of Title 18, United States Code, Section 2113(a).

PROBABLE CAUSE AND BACKGROUND OF INVESTIGATION

5. On January 11, 2019 at approximately 1:59 pm, bank employee AL was working as a teller at the First Hawaiian Bank, located at 1348 Hunakai Street, Honolulu, Hawaii, when a white male subject approached his teller station with a black and white colored composition book in his hand. Upon arriving at the teller station, the subject opened the composition book and showed it to AL. On the page presented to AL, he observed a handwritten note that stated, "Need Money ... Move Quickly".

6. AL immediately provided the subject with \$200 in cash in the denomination of twenty (20) ten dollar bills that was wrapped with a green cash strap. AL advised that he was fearful if he failed to follow the subject's written demand that the situation would escalate and his safety would be put at risk.

7. After receiving the money, the subject placed it in the pocket of his backpack before he turned and left the bank fleeing on foot. Once the subject was gone, AL notified his supervisor of the robbery who then notified HPD. AL described the subject to the initial responding officer as a white male in his 20's standing approximately 6' 02" tall. AL also remembered the subject as wearing a red shirt, black shorts, and black shoes and carrying a black backpack with red outlines.

8. Approximately five minutes after the robbery, additional responding officers searched the area and located Joshua Smith, who matched the physical description and was carrying a black backpack as reported by AL, walking on Luawai Street a short distance from the bank.

9. When the officers approached him, Smith spontaneously uttered, "It was me. I was at the bank." Smith was then handcuffed and placed on the ground where he again uttered, "I'm not resisting. It was me."

10. While Smith was seated, the detaining officer observed several ten dollar bills sticking out of Smith's left front pocket. During a pat down of Smith's person, the officer did not locate any weapons but did locate twenty (20) ten dollar bills in Smith's left front pocket.

11. HPD officers also observed that Smith's backpack had the top portion unzipped and, in plain view, the officers observed a black and white colored composition book inside.

12. Shortly after locating Smith, HPD officers escorted teller AL to the location. At that time, AL identified Smith as the subject who had committed the robbery, stating, "That's him, 100% that's him."

13. The composition notebook was seized into law enforcement custody at Smith's arrest location and was transported to, and secured at, the Evidence

Control Room of the Honolulu Police Department located at 801 South Beretania Street, Honolulu, HI 96813.

14. On January 28, 2019, a federal search warrant was obtained to search the contents of the composition notebook.

15. On February 5, 2019, the federal search warrant was executed on the composition notebook, however, no demand note or similar writings were located inside. Although the demand note was not located, your Affiant noted that there was ample time between the robbery and HPD officers locating Smith for the demand note to have been removed from the composition notebook and discarded. Further, the composition notebook recovered from Smith's person appeared to be identical in style to the notebook used by the robbery subject as seen in the bank's surveillance video.

16. The First Hawaiian Bank, located at 1348 Hunakai Street, Honolulu, Hawaii, was at the time of this described robbery insured by the Federal Deposit Insurance Corporation.

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CONCLUSIONS OF THE AFFIANT

17. Therefore, based on my training and experience and the aforementioned facts, I believe that probable cause exists that on or about January 11, 2019, in the District of Hawaii, Smith did commit the crime of Bank Robbery, a violation of Title 18, United States Code, Section 2113(a).



Andrew Masters
FBI Special Agent

Subscribed to and sworn before me
on February 5, 2019 at Honolulu, Hawaii,



RICHARD L. PUGLISI
United States Magistrate Judge

